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February 28, 2014

**By ECF**

The Honorable Alison J. Nathan  
United States District Judge  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, New York 10007

*In re Harbinger Capital Partners Funds Investor Litigation*, No. 12 Civ. 1244 (AJN)

Dear Judge Nathan:

On behalf of the Harbinger Defendants, we write in response to plaintiffs' February 27, 2014 letter (Dkt. No. 169) concerning the decision of the United States Supreme Court in *Chadbourne & Parke LLP v. Troice*, 571 U.S. \_\_ (2014).

Plaintiffs assert that *Troice* "compels reversal" of the Court's September 30, 2013 decision on SLUSA preclusion (Dkt. No. 125). Based on our initial review of the *Troice* decision, we do not believe the issue is as clear-cut as plaintiffs indicate. We respectfully suggest that if plaintiffs believe the Court should reconsider its prior decision, plaintiffs should file a motion seeking such relief, and the Harbinger Defendants will respond as appropriate.

Respectfully submitted,

*Daniel J. Leffell*  
Daniel J. Leffell

cc: All counsel of record (via email)